

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**CHAMBERS OF
MICHAEL A. SHIPP
UNITED STATES MAGISTRATE JUDGE**

**MARTIN LUTHER KING COURTHOUSE
50 WALNUT ST. ROOM 2042
NEWARK, NJ 07102
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Not for Publication

LETTER ORDER

January 3, 2012

VIA CM/ECF

**Re: Walsh Securities, Inc. v. Cristo Property Management, Ltd., et al.
Civil Action No. 97-3496 (DRD)**

Dear Counsel:

This matter comes before the Court upon Defendants' request that the Court sustain the objections to Plaintiff's line of questioning regarding the amount in reserve. (Docket Numbers ("Doc. Nos.") 470 and 472.) Plaintiff opposes the request and argues that Defendants should be required to provide deposition testimony regarding the amount in reserve. (Doc. Nos. 469 and 471.)

"A party claiming work-product immunity bears the burden of showing that the materials in question were prepared in the course of preparation for possible litigation." *Holmes v. Pension Plan of Bethlehem Steel Corp.*, 213 F.3d 124, 138 (3d Cir. 2000) (internal quotations omitted). The Court must make a particularized analysis with respect to the assertion of work-product protection. "Indisputably, also, the protection is qualified, and demands a particularized determination with respect to each piece of information sought." *United States v. Amerada Hess Corp.*, 619 F.2d 980, 987 (3d Cir. 1980).

The Court has carefully considered the Parties' positions as set forth in their written correspondence and during oral argument on December 7, 2011. The Court finds that Defendants' submissions do not provide sufficient factual information from which the Court can make a particularized determination regarding whether the amount in reserve in the present matter is protected by the work product privilege. Based on the foregoing, and for good cause shown, the Court will require Defendants to submit an Affidavit from the client that provides more specific information regarding the process and procedures by which Defendants set the particular reserves

at issue in this matter. Defendants shall submit the supplemental Affidavit by **January 17, 2012**. If Plaintiff desires to file a response, it shall do so by **January 20, 2012**.

s/ Michael A. Shipp

HONORABLE MICHAEL A. SHIPP
UNITED STATES MAGISTRATE JUDGE